

REMARKS

I. Status of Claims:

Claims 40-59 are pending in this application.

The Examiner has withdrawn claims 55-58 as allegedly being drawn to a non-elected invention.

Claim 55 has been amended herein to correct a clerical error. No new matter has been added by way of this amendment.

Upon entry of the instant amendment claims 40-59 will remain pending in this application.

II. Election/Restriction:

The Action alleges that “claims 55-58 are drawn to methods that have a different special technical feature than the special technical feature of the elected invention because claims 55-58 do not recite the method objective of the elected invention and require two antibodies, while the elected invention enhances the activity of a singular antibody” (*see*, Office Action , page 3, second full paragraph).

Applicants note that the prior Examiner assigned to this application, Examiner Gussow, reviewed with her supervisor a set of claims essentially identical to claims 40-59 and informed Applicants by telephone on June 25, 2008, that the claims were indeed within the same restriction group as original claims 1-8 and 13, and therefore could be presented in this application. That interview with Examiner Gussow and her supervisor is described on pages 7-8 of the Reply filed by applicants on June 30, 2008.

Given the prior determination by the Office that claims essentially identical to 55-58 fall within the elected restriction group, Applicants respectfully request that the Examiner reconsider the withdrawal of claims 55-58 and rejoin these claims with the claims under examination. If it would be helpful to add a preamble such as “A method for enhancing antibody activity” to the withdrawn claims, Applicants would consider doing so.

III. Species Election:

The Action required Applicants to elect a single species of antigen from claims 47 and 48 (*see*, Office Action pages 3-5, section 6). Claims 47 and 48 depend from claim 40.

Applicants hereby elect the claim 48 species **myeloproliferative leukemia virus oncogene (mpl)** as the species for initial examination. Mpl is a member of the hematopoietic receptor family, one of the families listed in claim 47. Claims 40 and all of its dependents (*i.e.*, claims 40, 43, 44, 47-49, and 51) read on the elected species. If the Examiner is also intending to apply this species election to claims that do not depend from claim 40, then Applicants note that all of the pending claims (*i.e.*, claims 40-59) read on the elected species.

No fees are believed to be due in connection with this filing; however, if any fees are due, please apply them to Deposit Account 06-1050, referencing Attorney Docket No. 14875-0164US1.

Respectfully submitted,

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